

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
HELENA DIVISION**

RANDY PINOCCI, JEFFREY PATTISON, RONALD V. HEPP, Plaintiffs, -v- CHRIS DORRINGTON, in his official capacity as Director of the Montana Department of Transportation, Defendant.	CAUSE NO. CV-23-21-H-DLC Hon. Dana L. Christensen CONSENT DECREE AND ORDER
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WHEREAS, Plaintiffs, Randy Pinocci, Jeffrey Pattison, and Ronald V. Hepp, allege the State of Montana, by and through Chris Dorrington, in his official capacity as Director of the Montana Department of Transportation (MDT), violated their rights by enforcing Mon. Code Ann. § 75-15-111 against political messages in a manner inconsistent with the First Amendment of the United States Constitution.

WHEREAS, the parties have agreed to resolve their claims without the need for additional litigation.

WHEREAS, by entering into this Consent Decree, Defendant, in his official capacity as Director of the Montana Department of Transportation, agrees to modify MDT's enforcement of Mont. Code Ann. § 75-15-111 as applied to political messages.

I. JURISDICTION

1. This Court has jurisdiction over the parties and the subject matter.

II. TERMS

2. Defendant hereby agrees to be permanently enjoined from enforcing the durational limits on political messages found in Mont. Admin. R. 18.6.246(4) (repealed) consistent with the Court's Preliminary Injunction Order, issued on April 8, 2024 (Doc. 36).
3. Defendant hereby agrees to be permanently enjoined from enforcing Mont. Code Ann. § 75-15-111 against Plaintiffs and those similarly situated in a manner that excludes political messages from exemptions commercial messages enjoy.

III. ENFORCEMENT

4. This Consent Decree shall be enforceable in the United States District Court, District of Montana, Helena Division.
5. If an action is brought to enforce the terms of this Consent Decree, the prevailing party shall be entitled to reasonable attorney's fees and costs.

IV. RELEASE

6. Plaintiffs have agreed, in consideration of the terms provided herein, for the release of the claims asserted in the Verified Amended Complaint. This release shall be a fully final, binding, and complete settlement of all matters involving disputed issues or claims in this matter between Plaintiffs and Defendant and

their assigns and successors.

V. ATTORNEY'S FEES AND COSTS

7. Defendant shall pay Plaintiffs' attorney's fees and expenses in an amount not to exceed Forty Thousand Nine Hundred Eighty Dollars and Eight Cents (\$40,980.08), within thirty (30) days of this Consent Decree.

VI. EXECUTED IN COUNTERPARTS

8. This Consent Decree and Order may be executed in two or more counterparts, each of which shall be deemed an original, all of which together shall constitute one and the same instrument.

VII. INJUNCTION ORDER

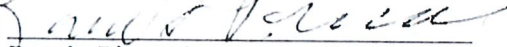
9. **IT IS ORDERED** that Defendant, in his official capacity as Director of MDT, his officers, agents, and employees are permanently enjoined from enforcing the durational limits of Mont. Admin. R. 18.6.246(4) (repealed).
10. **IT IS ORDERED** that Defendant, in his official capacity as Director of MDT, his officers, agents, and employees, are permanently enjoined from enforcing Mont. Code Ann. § 75-15-111 against Plaintiffs and those similarly situated in a manner that excludes political messages from exemptions that commercial messages enjoy.

[Signatures Follow on Next Page]

Dated this _____ day of August 2024.

Dana L. Christensen, District Judge
United States District Court

PLAINTIFFS:

By: 
Randy Pinocci

By: _____
Jeffrey Pattison

By: _____
Ronald V. Hepp

DEFENDANT:

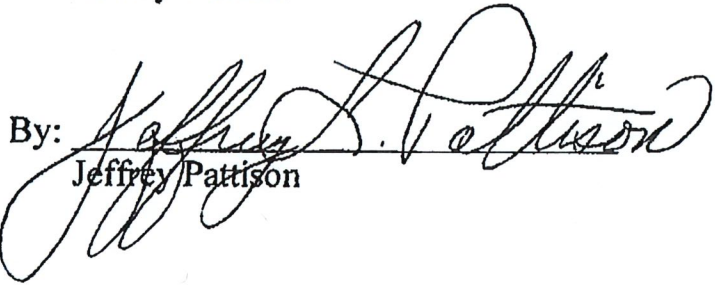
By: _____
Christopher Dorrington, Director
Montana Department of Transportation

Dated this _____ day of August 2024.

Dana L. Christensen, District Judge
United States District Court

PLAINTIFFS:

By: _____
Randy Pinocci

By: 
Jeffrey Pattison

By: _____
Ronald V. Hepp

DEFENDANT:

By: _____
Christopher Dorrington, Director
Montana Department of Transportation

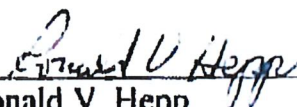
Dated this day of August 2024

Dana L. Christensen, District Judge
United States District Court

PLAINTIFFS:

By _____
Randy Pinocci

By _____
Jeffrey Pattison

By 
Ronald V Hepp

DEFENDANT:

By _____
Christopher Dorrington, Director
Montana Department of Transportation

Dated this _____ day of August 2024.

Dana L. Christensen, District Judge
United States District Court


PLAINTIFFS:

By: _____
Randy Pinocci

By: _____
Jeffrey Pattison


By: _____
Ronald V. Hepp

DEFENDANT:

By:  8/29/24

Christopher Dorrington, Director
Montana Department of Transportation

Dated this 12th day of September 2024.


Dana L. Christensen, District Judge
United States District Court

PLAINTIFFS:

By: _____
Randy Pinocci

By: _____
Jeffrey Pattison

By: _____
Ronald V. Hepp

DEFENDANT:

By: _____
Christopher Dorrington, Director
Montana Department of Transportation